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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS

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ILLINOIS COMMERCE COMMISSION

CHIEF CLERK'S OFFICE

SOUTHEASTERN ILLINOIS ELECTRIC )  
COOPERATIVE, INC., )

Complainant-Counter Respondent, )

vs. )

DOCKET NO. 00-0583

ILLINOIS POWER COMPANY, )

Respondent-Counter Complainant. )

**SOUTHEASTERN ILLINOIS ELECTRIC COOPERATIVE, INC.**  
**ANSWER TO AMENDED COUNTER CLAIM BY**  
**ILLINOIS POWER COMPANY**

SOUTHEASTERN ILLINOIS ELECTRIC COOPERATIVE, INC., (SouthEastern)  
Complainant-Counter Respondent by its attorneys, GROSBOLL, BECKER, TICE & REIF,  
attorney Jerry Tice of counsel and JAMES H. SMITH, P.C., in Answer to the Amended  
Counter Claim filed by ILLINOIS POWER COMPANY (IP) Respondent-Counter  
Complainant, states as follows:

1. SouthEastern admits the allegations of paragraph 1 of the IP Amended Counter Claim.
2. SouthEastern admits the allegations of paragraph 2 of the IP Amended Counter Claim.
3. SouthEastern admits the allegations of paragraph 3 of the IP Amended Counter Claim.
4. SouthEastern admits the allegations of paragraph 4 of the IP Amended Counter Claim.

5. SouthEastern has insufficient information with which to either admit or deny the allegations of paragraph 5 of the IP Amended Counter Claim and therefore denies the same. SouthEastern affirmatively states that Sugar Camp Coal L.L.C., is not the same entity as Arclar Company which latter entity is the entity which has requested electric service from SouthEastern at the Willow Lake Mine Portal and/or Portal No. 3, located in the Southwest Quarter of Section 1 and the Southeast Quarter of Section 2, Township 9 South, Range 7 East Cottage Township, Saline County, Illinois for the purpose of mining coal.

6. SouthEastern denies the allegations of paragraph 6 of the IP Amended Counter Claim.

7. SouthEastern admits that Section 1 of the Agreement defines "new customer" but states that such Agreement speaks for itself. SouthEastern further states that the customer is not Sugar Camp Coal, L.L.C., but rather Arclar Company. SouthEastern denies each of the remaining allegations of Paragraph 7 of the IP Amended Counter Claim.

8. SouthEastern admits that Section 4 of the Agreement sets forth rights of both SouthEastern and IP to serve customers whose points of delivery are located within the respective service areas of SouthEastern and IP but the language of Section 4 of the Agreement speaks for itself. SouthEastern Denies each and every one of the remaining allegations of paragraph 8 of the IP Amended Counter Claim.

9. SouthEastern admits that IP has incorporated provisions from Section 8 of the Electric Supplier Act 220 ILCS 30/8 in paragraph 9 of the IP Amended Counter Claim but SouthEastern states that such reference to Section 8 of the Act does not allege facts and therefore SouthEastern is not required to deny such allegations. SouthEastern does deny each and every one of the remaining allegations of paragraph 9 of the IP Amended Counter Claim

and specifically denies the allegation that IP is entitled to provide electric service to Sugar Camp Coal, L.L.C. by virtue of Section 8 of the Act. SouthEastern further states that Arclar Company is the customer and not Sugar Camp Coal, L.L.C.

10. SouthEastern has insufficient information with which to either admit or deny the allegations of paragraph 10 and therefore denies the same.

11. SouthEastern denies the allegations of paragraph 11 of the IP Amended Counter Claim.

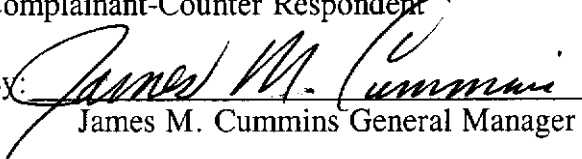
12. SouthEastern denies that as between IP and SouthEastern, IP can provide electric service to the customer for less additional investment. SouthEastern further states that the customer has requested SouthEastern to provide electric service from an existing SouthEastern point of delivery already utilized by the customer and that the customer will pay for the cost of extension of such service. SouthEastern denies each and everyone of the remaining allegations of paragraph 12 of the IP Amended Counter Claim.

13. SouthEastern denies the allegations of Paragraph 13 of the IP Amended Counter Claim.

WHEREFORE, SouthEastern Illinois Electric Cooperative, Inc., requests the Illinois Commerce Commission to deny the prayer of the Illinois Power Amended Company Counter Claim, to dismiss the same, and for such additional relief as the Commission may deem just and appropriate.

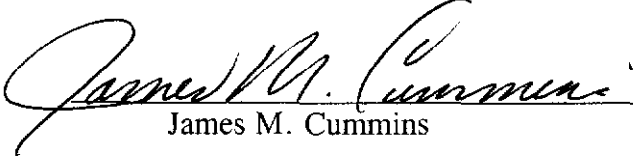
SOUTHEASTERN ILLINOIS ELECTRIC  
COOPERATIVE, INC.,  
Complainant-Counter Respondent

By:

  
James M. Cummins General Manager


STATE OF ILLINOIS       )  
                                      : SS  
COUNTY OF SALINE       )

JAMES M. CUMMINS, being first duly sworn upon his oath, deposes and states that he is the General Manager of SOUTHEASTERN ILLINOIS ELECTRIC COOPERATIVE, INC., in the above entitled cause of action, that he has read the above and foregoing Answer to Amended Counter Claim by him subscribed and that he has knowledge of the facts and circumstances stated in the foregoing Answer to the Illinois Power Company Amended Counter Claim and that the same are true to the best of his knowledge, information and belief.

  
James M. Cummins

Subscribed and Sworn to before me this

22<sup>nd</sup> day of June, 2001.

  
Notary Public  
"OFFICIAL SEAL"  
BONNIE J. PHILLIPS  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 11/12/2001

GROSBOLL, BECKER, TICE & REIF  
Attorney Jerry Tice  
101 E. Douglas  
Petersburg, IL 62675  
Telephone: 217-632-2282

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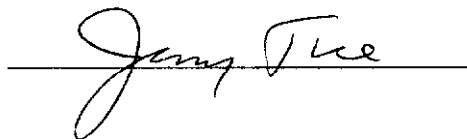
JAMES H. SMITH  
P.O. Box 577  
Shawneetown, IL 62984  
Telephone: 618-269-3611

**PROOF OF SERVICE**

I, JERRY TICE, hereby certify that on the 9<sup>th</sup> day of July, 2001, I deposited in the United States mail at the post office at Petersburg, Illinois, postage fully paid, a copy of the document attached hereto and incorporated herein, addressed to the following persons at the addresses set opposite their names:

Gregory Q. Hill  
Hughes, Hill & Tenney LLC  
236 N. Water St. Suite 400  
P.O. Box 560  
Decatur, IL 62525-0560

Donald Woods  
Hearing Examiner  
Illinois Commerce Commission  
527 E. Capitol  
Springfield, IL 62701

A handwritten signature in cursive script, reading "Jerry Tice", is written over a horizontal line.